

NEBRASKA

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DEPT. OF ENVIRONMENTAL QUALITY

Notice of Violation

MAY 23 2019

CERTIFIED MAIL

Return Receipt Requested

Mr. Brad Reader, General Manager
Clean Harbors Environmental Services, Inc.
2247 South Highway 71
Kimball, NE 69145

Re: March 26-29, 2019 RCRA Compliance Evaluation Inspection
DEQ/EPA Identification Number: NED981723513
IIS#: 58562 RCR

Dear Mr. Reader:

On March 26-29, 2019, the Department of Environmental Quality conducted a hazardous waste Compliance Evaluation Inspection (CEI) at Clean Harbors Environmental Services, Inc. for the purpose of determining compliance with your hazardous waste permit and Title 128 – Nebraska Hazardous Waste Regulations. A copy of the inspection report is enclosed.

Based on this inspection, Clean Harbors Environmental Services, Inc. was found in violation of the following requirements:

1. Failure to visibly mark the date upon which each period of accumulation begins on a 90-day hazardous waste accumulation container (Title 128, Chapter 10, 004.01F). This citation refers to Observation 3 of the inspection report.
2. Failure to accept, store, and accumulate in containers only the wastes identified in Appendix I of the permit (Part III.C.8 of the RCRA Permit). This citation refers to Observation 43 of the inspection report.

Jim Macy, Director

Department of Environmental Quality

P.O. Box 98922

1200 N Street, Suite 400

Lincoln, Nebraska 68509-8922

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In addition to the violations listed, the following areas of concern were identified:

1. During the inspection, several containers in storage area 25 and one container in Area 95 appeared to have leaked some of their contents through the bung (reference Observations 9 and 11 of the inspection report). Though these containers were immediately processed upon discovery, the CHESI RCRA Permit Part III.D as referenced by Title 128, Chapter 21, 009 requires that waste from containers that begin to leak must be managed as described within 24 hours.
2. The facility contingency plan still made reference to an after-hours contact phone number for the NDEQ that is no longer valid (reference Observation 21 of the inspection report). Please update any after-hours emergency contact references for State Patrol Dispatch from (402) 471-4545 to (402) 479-4921.
3. Inspection of Ash Day Bin D found surface corrosion around a portion of its base that must be repaired (reference Observation 28 of the inspection report).
4. Inspection of the secondary containment in Area 50E found some spalling in the concrete that required repair (reference Observation 31 of the inspection report).
5. The ash sampler was found to be non-functional and the sample jar unlabeled at the time of the inspection (reference Observation 34.j of the inspection report).

This department has determined that the following actions must be taken to address these violations and concerns. You are required to complete the following tasks and provide written confirmation of completion, or a schedule for completion subject to department approval **within 30 days** of receipt of this letter.

Violation 1 – Container CHIU320062 was dated at the time of the inspection. No further action is required with regard to this violation.

Violation 2 – This violation was also cited in a Notice of Violation dated 11/13/18 as the result of a hazardous waste CEI conducted in September, 2018. A review of manifests using the RCRAInfo E-Manifest system identified two inbound manifests, 010923766JJK and 010923781JJK, that contained wastes with prohibited waste codes. Records reviewed during the inspection confirmed that these wastes were incinerated at the facility. Provide an explanation of how these wastes were not prevented from being shipped to the Kimball facility and how it will be prevented in the future.

Additionally, inbound manifest 009940379FLE and outbound manifests 010885148 and 013261800FLE included wastes with what appeared to be generic company profiles that included prohibited waste codes. Provide confirmation that these were in fact generic company profiles and, if possible, whether or not the prohibited waste codes were applicable to the waste shipped. Also provide an explanation of how this will be prevented in the future.

• **Concern 1** – Provide a description of how containers that are found to be potentially leaking as a result of daily inspections will be managed to comply with Part III.D of the RCRA permit.

Concern 2 – Submit an updated copy of the contingency plan with the correct emergency contact number incorporated.

Concern 3 – Repair the corrosion on ash day bin D and provide confirmation when this has been completed.

Concern 4 – Work orders provided during the inspection confirmed that this item had been repaired. No further action is required with regard to these concerns.

Concern 5 – A work order provided during the inspection confirmed that the ash sampler had been repaired. Daily inspections of this area should include determining ash sampler functionality and ensuring the sample jar has been marked to show when sampling begins and ends. Provide a description of how this equipment will be checked in the future.

Because violation 2 is a high priority violations as defined by the department, a request for enforcement may be referred to the NDEQ Legal Services Division for appropriate action. Such action may include civil penalties pursuant to Nebraska Revised Statute §81-1508.02 of up to \$10,000.00 per violation per day.

If you have any questions regarding this letter, please contact Brian Gorman at (402) 471-4210.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. B. Haldeman', with a long horizontal flourish extending to the right.

David B. Haldeman, Administrator
Land Management Division

DBH/bg
Enclosure

cc: Lezah Saunders w/o enclosure
Jim Aycock w/enclosure